

**Frederick County Ethics Commission**  
**Minutes for the Public Meeting of Wednesday, July 12, 2017**

Present:       Stephen K. Hess, Chair  
                  Timothy J. Tosten, Vice Chair  
                  M. Shane Canfield, Commission Member  
                  Christopher D. Glass, Sr., Commission Member  
                  Ernest A. Heller, Commission Member  
                  Deborah L. Lundahl, Commission Member  
                  Alan Shapiro, Commission Member  
                  Deidre R. Davidson, Alternate Commission Member  
                  Linda B. Thall, Senior Assistant County Attorney

The meeting of the Frederick County Ethics Commission began at 7:00 p.m. on July 12, 2017, in the Winchester Room on the 2<sup>nd</sup> floor of Winchester Hall, 12 East Church Street, Frederick, Maryland 21701.

**Introduction of new alternate member** – Ms. Davidson, who was appointed to the Ethics Commission as the alternate member to fill Mr. Heller's unexpired term, was introduced to the Commission members.

**Election of new Chair and Vice Chair -**

MOTIONS:   Mr. Heller nominated Mr. Hess to serve as the Commission's new Chair. The motion was seconded by Mr. Tosten. Mr. Hess then made a motion to nominate Mr. Tosten as the Chair. The motion made by Mr. Hess was not seconded. Mr. Heller's motion was approved by unanimous consent.

MOTIONS:   Mr. Heller nominated Mr. Glass as the Vice Chair. Mr. Hess seconded that motion. Mr. Glass nominated Mr. Tosten as the Vice Chair. His motion was seconded by Mr. Shapiro. After a discussion initiated by Mr. Glass about his ability to take on the duties of Vice Chair, the members unanimously voted to approve the motion to appoint Mr. Tosten as the Vice Chair.

**Distribution of the financial disclosure statements for review** – The annual financial disclosure statements of elected and appointed officials and covered County employees were distributed to the members for review. The members will attempt to complete their review before the August 9 meeting. The general process for reviewing the statements and the standards for review were discussed by the members.

**Discussion of annual training on the Ethics Law** – The Ethics Commission continued its discussion of the need for training on the Ethics Law. The members discussed the progress made to date and how the Commission should proceed. Mr. Hess stated that

multiple approaches were useful based on the positions of the persons receiving the training. He also discussed different types of training and whether training should be on an annual basis or a one-time training. He thought that a brochure for the general public would be helpful. The Commission asked for copies of the existing brochure related to the process for filing complaints.

Mr. Tosten discussed the online training that the federal government provides to federal employees. He recommended that training be provided on an annual basis. Mr. Shapiro expressed his opinion that annual training is too frequent. He recommended a combination of live and online training. Ms. Lundahl's position was that supervisors should be trained every year, but that this was too frequent for other employees. Mr. Glass felt that annual training would be better from a liability point of view. Mr. Heller raised the potential for an impact on the County's budget from an annual training requirement.

Mr. Hess asked that the members come up with the elements of a broad training plan. This would include those groups to be trained and the need to document the training. Mr. Heller stated that the Commission should first focus on the persons who are required to file annual financial disclosure statements. Mr. Canfield suggested talking to other jurisdictions. Mr. Hess asked that the members review the handouts provided at the meeting showing how some other jurisdictions provide training. Mr. Hess wants the Commission to select the target audiences for training and determine the critical elements of a training plan. Mr. Canfield suggested contacting Montgomery County's Ethics Commission. Mr. Hess asked that the members email him to let him know what questions they have for Montgomery County and he will follow up with the Montgomery County Ethics Commission.

In advance of the next meeting, Mr. Hess asked the members to perform the following tasks: (Task #1) get their questions for Montgomery County's Ethics Commission to him within the week and (Task #2) look at the packet handed out at the meeting of training programs implemented by other jurisdictions, determine how many audiences the training should cover and what the Commission's training plan should look like.

Mr. Heller noted that next year is an election year. He stated that there is a need for employees to know the rules governing their participation in election campaigns. Mr. Hess wants an outline of the training plan to be completed by the fall. Mr. Tosten felt that it was important to give the County Executive options to choose from.

**State legislation regarding the Liquor Board** – A new State law that will become effective on October 1, 2017, makes the County Liquor Board and all of its staff subject to the State Ethics Law, including the requirement that the Board and its staff file State financial disclosure forms on an annual basis. Mr. Hess and Mr. Heller indicated that they did not see a need to have them also covered by the County's Ethics Law.

MOTION: Mr. Heller made a motion to have the Commission recommend a change to the County Ethics Law to remove the Liquor Board and its staff from

coverage under the County law. The motion did not receive a second. The members agreed to defer a decision on this until they have had a chance to review the State's financial disclosure form.

This will be added as an item on the agenda for the next Commission meeting. The Board members asked to see the forms used by the County as well as the State financial disclosure form.

### **Adjournment**

MOTION: Mr. Tosten made a motion to adjourn the meeting. Mr. Glass seconded the motion, which was unanimously approved.

The Ethics Commission adjourned its meeting at 8:00 p.m.

/s/

Linda B. Thall, Senior Assistant County Attorney